

**Wohlpart:** No. ‘Should limit introduction by students of controversial matter which has no relation to the subject.’ The faculty part is already covered above. The limitation on faculty is already covered above.

**Petersen:** Is there other discussion, questions, suggestions on this policy? Can we make such a revision? So, I’m a bit unclear: Do we need to—can we make such a revision and then vote to approve the policy?

**Gould:** Yes.

**Mattingly:** As amended, yes.

**Petersen:** As amended.

**Gould:** Yes.

**O’Kane:** I move that we approve this policy as amended.

**Petersen:** Thank you, Senator **O’Kane**. Is there a second? Thank you, Senator **Burnight**. Any additional discussion? Alright, all in favor of Policy 6.10 Academic Freedom, Shared Governance, and Academic Responsibility as amended, please indicate by saying “Aye.” Any in opposition? Any abstentions? Excellent the motion passes.

**Petersen:** The next item for consideration is the Policy 13.13 Research Misconduct, docketed 1401.

**Peters:** Before I start on this one, I will say something I probably should have said before discussing the previous policy, is that it’s important I think for Senators to realize that this is just the beginning of a process. EPC brings forward a proposal

to the Senate. But what the Senate's actually doing is formally proposing it from the faculty to enter into the University's policy process. And that really begins the process. It will get put up for public comment. People will have the opportunity to submit comments on it. Those comments will come back to the Senate. The Senate can revise it. And only after all of that does it then go forward for consideration to the President to finalize it into policy. The reason I want to make sure we understand this is that this is a pretty substantial revision of policy and what made it challenging was that really to revise the policy, we actually had to revise all the procedures first. So that's why you have this big, revised procedures before you. Now we didn't have to do it that way. I mean, you could revise the policy and then leave it up to Anita (**Gordon**) here to just revise the procedures on her own, but Anita (**Gordon**) rightly came to the committee and said that really the important details are in the procedures, and that we needed to go through those carefully because that lays out what happens when a faculty member is accused of scholarly misconduct. So, we worked on this a lot last semester and did our best. I'll describe to you the overall thrust, and then see if Anita has anything to add. This policy was initially put into place it looks like 2010, largely because—and Anita (**Gordon**) correct me if I'm wrong—largely because we were either out of compliance, or in danger of being out of compliance with federal regulations requiring us to have these policies in place to govern grants. So at that time it was sort of 'Uh-oh, we need a policy in place.' And we pretty much put in a policy without too many changes, a model policy—is that correct? And so since that time the policy has been used a few times in ways that it may not have originally intended to be used, and if I think—that there was overall recognition that this policy needed to be revisited, and so what we tried to do here is to build

in a process that if this is going to be the default policy about scholarly integrity on campus, to make the policy reflect that. And also to try to provide additional safeguards to faculty in that process. So, try to more clearly define the different types of misconduct, try to more clearly define the standards that have to be met for an allegation to move along to the next step of the process, and then try to clearly define what the options of the decision-makers are after decisions have been made by peer-review committees.

**Gordon:** I'm not sure what else to add. Scott's (**Peters**) correct that this got put together fairly quickly when I realized that we've been promising the federal government that we have this policy and we couldn't find it. So the Senate passed it last time, largely based on the federal model policy for research misconduct. So, most research universities across the country have a policy that looks a lot like this, but we have some room I think in how we proceed, and I'll keep an eye on whether or not the final policy is consistent with federal requirements. But for the most part we have some room to decide what is the best way to approach this, and I think we're overdue to have that conversation in more depth. I'm not actually sure that we're ready to be done with this at this at this point. I'm looking forward to hearing your input, but you might—I think Amy's (**Petersen**) going to say this in a minute—you might choose to refer back to EPC for more work, especially if you think there are particular areas that do require some more discussion, or maybe a broader campus discussion, for that matter. I'm not sure what the best approach is.

**Petersen:** As Anita (**Gordon**) alluded to, we have the option again of approving these recommended changes or we can send this policy back to the EPC

Committee with some specific questions, or suggestions, or task areas for them to look at.

**Mattingly:** I was going to ask if –it’s my understanding that the EPC would like to see this back because there are things that they would like to change about the policy before it moves forward?

**Gordon:** That’s my opinion.

**Neuhaus:** At our last meeting, a couple of members expressed some concern about protection of those who have been accused, that odd or unfortunate possibility where they are wrongly accused, is there enough protection in there for those situations? I think they thought that we’re going to work on this thing to make sure it’s doing its job in all directions there. At least one member was concerned that perhaps this didn’t cover that situation of how fair are we being in this policy to someone who might be accused when they shouldn’t have been.

**Petersen:** I sat in on that meeting, and I think the concern was that if a faculty member can perhaps violate this policy, we should also assume that an accuser could perhaps fabricate an accusation, and within this policy, it’s not strong enough to consider that possibility. Did I capture that?

**Peters:** I know that the Senate is busy, and the Senate has a lot of business, and I’m not on EPC anymore so it won’t be my problem to deal with, but having served on EPC and having served on the Senate, one of the awkward things about our governance system is that in this case, Senator **Imam** is on EPC—that will be helpful---but often, there is no overlap there between EPC and Senate, so EPC is

off in its own world doing its work, and it thinks it's done a great job and then it comes to the Senate and the Senate says, 'No, we didn't want anything like this at all.' That can be pretty frustrating. And so if you do at this point, since it's here and we're here, and we can pass the notes along, even if you think it should be sent back, any particular things that you think need work in addition to what Chair **Petersen** was talking about would probably be helpful to EPC's work.

**Hesse:** I had a question about Point Number 7. It says, 'All employees or individuals associated with UNI must report.' I'm a little unclear about that 'must.' Do we want mandatory reporting? Or do we want a 'should' there? It comes up again further down. 'Observe, suspected or apparent scholarly misconduct by UNI students must be reported.' I personally would prefer 'should.'

**Wohlpert:** Anita (Gordon) does this have anything to do with federal regulations?

**Gordon:** I would have to check on 'must' versus 'should' just in case. If the Senate feels it would be important to go in that direction, I'll definitely make sure. I'm pretty sure that we don't have to worry about too many small—that's significant but small. I think the most important thing is that we have to clarify the process and due process and that it covers everybody that it should, and that it covers the amount of misconduct that it should et cetera. I suspect it's fine. I will definitely check it before we finalize it.

**Hesse:** I'm a little concerned because 'must' implies you have to, so that implies there would be a penalty if you didn't. So if I see someone doing something shady and I don't report it, I could get in trouble, and that's why I prefer the 'should' or 'strongly encouraged to,' or some language like that.

**Pease:** I would question how that section also intersects with Policy 3.01, because most of what goes on in that comes at the discretion—the lower level violations 1 & 2, are currently largely at the discretion of how faculty wish to handle them, and this takes it out and moves it to your office.

**Several Voices:** No.

**Pease:** It requires reporting to your office.

**Gordon:** But more to your point Patrick (**Pease**), people may not realize that originally this policy included faculty, staff, and students. We did intend to pull the students out of this entirely. So I'm finding myself kind of thinking...

**Peters:** If you scroll up to Number 2.

**Hesse:** Patrick's (**Pease**) question is answered by Number 2.

**Gordon:** But mostly students misconduct. There were some EPC members who wanted to consider the possibility that there are times when this would be more appropriate. We can discuss this further.

**Petersen:** To summarize, I'm hearing that there may be more need to discuss the intersection of the student policy with this policy. Is that correct?

**Pease:** I think it could be much more clear where one ends and the other takes over.

**Peters:** I'm not sure that's possible to make a clear line, because there very well could be instances where both could apply, but the intent of Number 2 there is to govern the entire policy to say that under normal circumstances, student

complaints; complaints against students would be handled under the 3.01 or 3.02, whichever is appropriate. And there would be rare instances where it would be appropriate to handle it this way. But, if we do have a student for example who has published a paper in a journal somewhere, do we—is there a larger issue than what can be handled by 3.01? Does it become more than just a student disciplinary matter at that point? And does it become something the University has to investigate under broader scholarly misconduct? So, we did talk about where the cutoff should be, and we weren't sure if it would be easy to ever find a clear cutoff, except to say that typical student violations don't fall under this. And certainly if people have ideas of better ways to do that, please suggest them.

**Petersen:** Are there other questions?

**Cutter:** I guess I just have a question about the committees. Did you not specify who they would be made up of because of what you said earlier Scott (**Peters**), about this being policy, rather than the Faculty Handbook?

**Peters:** The Inquiry and Investigation Committees? I think we kept the composition of those committees—I think we kept them the same as they are in current policy, if I remember correctly. So, the—there is a requirement that if it is a faculty member who is accused, that a certain number of people on the committee be comprised of faculty members. But we have to remember that it's not necessarily a faculty member who's accused. It could be a P & S employee who does research, or something like that. We could say, "It's got to be all faculty." We could make that decision.

**Cutter:** I was just asking because it didn't say anything about the composition of the committees in this document.

**Peters:** Oh, Policy. Sorry. It's in Procedures. It is specified in the Procedures.

**Cutter:** And you just want to keep it in the Procedures?

**Peters:** Right. Yes. I'm sorry. Yes.

**Cutter:** Okay.

**Petersen:** Am I correct, Scott (**Peters**) in understanding that it's the Research Integrity Officer who is selecting that committee?

**Peters:** That is correct.

**Petersen:** So, one of the concerns—and again, correct me if I'm wrong, of some of the new members who were looking at this document with fresh eyes is that the Research Integrity Officer potentially would have too much power in this process?

**Neuhaus:** I think that's right, although I think they felt pretty good about the current one, but they were always wondering about the future. Perhaps a higher ratio of faculty—not necessarily all faculty, but there was a concern that you could end up with something that had very few faculty on there, and they thought there should be a little more peer participation in that.

**Gordon:** Although it says a 'majority.' If it's a faculty member, a majority—and if you're appointing three or five that makes it...I missed that conversation, which is why I'm asking the question.

**Neuhaus:** It's perhaps that's just something that the committee would like to discuss a little bit more themselves.

**Petersen:** We have the option of approving these suggested changes and moving them forward, or we can also refer this back to the committee with our comments and this discussion to guide them in some further revision. Is there a motion for either of those? Yes. Senator **Burnight**. We have a motion to refer this back to the committee. Is there a second? Thank you Senator **Gould**. Any additional discussion? All in favor of referring this policy back to the Educational Policy Committee for further revision, please indicate by saying "Aye." Any opposition? And any abstentions? Excellent. The motion then passes to refer it back to the committee. Thank you all for coming and sharing with us. I appreciate your time.

**Petersen:** Alright, this brings us to our next item on the docket, which is the consultation by Ken **Connelly**. I'm going to give Gretchen (**Gould**) just a moment to load the PowerPoint.

**Gould:** Can you tell me what number?

**Petersen:** Yes. The number is 1406.

**Gould:** There we go. Would you like to take over the keyboard during the PowerPoint?

**Connelly:** I can.

**Gould:** If it would be easier for you.